

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER JOSEPH LADUE,

Defendant.

CR 13-18-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Christopher Joseph Ladue (Ladue) has been accused of violating the conditions of his supervised release. Ladue admitted the alleged violation. Ladue's supervised release should be revoked. Ladue should be placed in custody for 6 months, with 42 months of supervised release to follow. Ladue should receive no credit for time served in tribal custody.

II. Status

Ladue pleaded guilty to Sexual Abuse of a Minor on May 9, 2013. (Doc. 23). The Court sentenced Ladue to 30 months of custody, followed by 5 years of supervised release. (Doc. 36). Ladue's current term of supervised release began on January 30, 2017. (Doc. 77 at 2).

Petition

The United States Probation Office filed a Petition on May 16, 2019, requesting that the Court revoke Ladue's supervised release. (Doc. 77). The Petition alleges that Ladue violated the conditions of his supervised release by consuming alcohol on four separate occasions. (Doc. 77 at 2-3). United States District Court Judge Brian Morris issued a warrant for Ladue's arrest. (Doc. 78).

Initial appearance

Ladue appeared before the undersigned for his initial appearance on July 17, 2019. Ladue was represented by counsel. Ladue stated that he had read the petition and that he understood the allegations. Ladue waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on July 17, 2019. Ladue admitted that he had violated the conditions of his supervised release by consuming alcohol. The violation is serious and warrants revocation of Ladue's supervised release.

Ladue's violation is a Grade C violation. Ladue's criminal history category is I. Ladue's underlying offense is a Class C felony. Ladue could be incarcerated

for up to 24 months. He could be ordered to remain on supervised release for up to 48 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Ladue's supervised release should be revoked. Ladue should be incarcerated for 6 months, with 42 months of supervised release to follow. Ladue should receive no credit for time served in tribal custody. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Ladue that the above sentence would be recommended to Judge Morris. The Court also informed Ladue of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Ladue that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Ladue stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Christopher Joseph Ladue violated the conditions of his supervised release by consuming alcohol.

The Court **RECOMMENDS:**

That the District Court revoke Ladue's supervised release and commit Ladue to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with 42 months of supervised release to follow. Ladue should receive no credit for time served in tribal custody.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 17th day of July, 2019.


John Johnston
United States Magistrate Judge